IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO. 596 OF 2005

Satyafula Pandurang Sahare & Anr. vs. Damodar Ramchandra Itankar & Ors

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
AUGUST 04, 2007.

Heard Shri Sontakke, learned counsel for the appellants – original plaintiffs.

The appellants are original plaintiffs and suit filed by them for declaration, possession and damages has been concurrently dismissed.

The Courts below have found that the contention of present appellants that deceased Hari, who executed the sale was mentally ill/ unsound on the date of execution of sale deeds has not been proved. The finding has been delivered concurrently and present appellant No.1 admitted in her cross examination that when her father (Hari) sold one land in the year 1992, she and appellant No.2 received consideration amount for the

same. She further accepted that father was not unsound in the year 1992. Both the Courts have further found that the respondents were aware of such sale deeds and were in possession of lands sold to them from the date of sale deeds i.e. 3.2.1992 and therefore the period of limitation started running from 3.2.1992 itself.

I, therefore, find that all issues are concurrently answered against the present appellants. No substantial question of law arises in this Second Appeal. The same is dismissed. No order as to costs.

JUDGE

*GS.